

US GOVERNMENT SHOULD ABIDE BY ITS OSCE COMMITMENTS TO HOLD FREE AND FAIR ELECTIONS IN THE DAYS LEADING UP TO, ON, AND IMMEDIATELY FOLLOWING ELECTIONS ON NOVEMBER 3, 2020, AND ENSURE UNIMPEDED ACCESS OF OSCE ELECTION MONITORS TO POLLING STATIONS ACROSS THE COUNTRY

Appeal of member organizations of the Civic Solidarity Platform

October 30, 2020

We, the undersigned members of the Civic Solidarity Platform, an international network of independent civic groups from across the OSCE region committed to improving the human rights situation in Europe, Eurasia, Canada, and the US, express our deep concern about the upcoming elections in the United States, which will be held on November 3, 2020 amid widespread, peaceful demonstrations and the coronavirus pandemic, and an unprecedented attack on the electoral process itself.

We urge the OSCE to closely monitor the election in the United States both on and after November 3, and in the days leading up to it, as early voting has already started, to ensure the legitimacy of the process and assess the compliance of the US government with its OSCE commitments. We call on the US government to strictly abide by its OSCE commitments to hold free and fair elections, including making a clear commitment by the President and his party to respect voting results and a peaceful transition of power. US federal and state authorities should ensure unimpeded access of OSCE election monitors to polling stations across the country.

We are concerned about reports of voter suppression and voter harassment in an environment of institutionalized racism, violence, and physical threats to elected officials. We believe that unimpeded international observation of the election is mandatory to document the way in which the election is carried out and to make recommendations on full compliance with OSCE commitments to hold free and fair elections.

Trump's Efforts to Cast Doubt on Mail-in Voting, Difficulties of Early Voting

The President has repeatedly, and without evidence, sought to cast doubt on the security of early and mail-in ballots, even in the midst of the COVID-19 pandemic, and at a time when the United States is seeing unprecedented numbers of new cases on a daily basis. On Friday, October 23 and Saturday, October 24, the country reported over 83,000 new cases each day.¹ In Texas, the governor of the state has limited drop off locations for early ballots to one per county. In a state with 29 million residents, this is a hardship on voters and an unnecessary risk to their health and the public welfare.² All around the country, early voting numbers

¹ <https://www.washingtonpost.com/nation/2020/10/23/coronavirus-covid-live-updates-us/>

² <https://worldpopulationreview.com/states/texas-population>

are unprecedented, with long lines in many jurisdictions. According to the latest figures, over 69 million Americans have voted early.³

Furthermore, Election Day is not a holiday in the US—most citizens are required to work. Standing in long lines to vote is a hardship, which citizens in many other countries are not required to endure. And, for shift workers, hourly workers, and others who are not paid when they are not on the job, standing in line to vote may mean lost pay and subsequent difficulty for themselves and their families. This impacts low-income and minority voters especially.⁴

There have been incidences of voter intimidation at early polling places, including in Fairfax, Virginia. On September 20, the second day of early voting in the state, Trump supporters appeared to harass voters standing in line, carrying Trump slogans and chanting.⁵ In Virginia, it is illegal to loiter 40 feet from a polling station entrance; this includes distribution of campaign literature or display of candidate signage.⁶ Although the Trump supporters were reportedly further away, their numbers (over 50 individuals), noise, and signage was a sharp departure from US voting decorum.

Overall Hostile and Racist Environment and Trump's Failure to Denounce White Supremacy

Following the murder of George Floyd by police in May, protests and demonstrations filled US cities and towns demanding justice for Floyd and numerous other Black and brown Americans who have died in police custody or been shot by the police. Trump's refusal to call out racism and denounce white supremacist groups⁷ has further aggravated the country's deep racial divide. His shout out to the Proud Boys⁸ during the first presidential debate when he told them to “stand back and stand by,”⁹ has stoked fears of violence on and immediately after Election Day. Following his refusal to condemn white supremacists and his statement that there were “very fine people on both sides,” after neo-Nazis held a white supremacy rally in Charlottesville, VA in August 2017 in which a woman was killed, voters are concerned about Trump's failure to call for national unity.¹⁰

During peaceful demonstrations in Washington, DC, Orlando, FL, Boston, MA, and other cities over the course of the summer of 2020, police in riot gear attacked peaceful protesters on numerous occasions.¹¹

³ https://www.washingtonpost.com/politics/early-vote-2020-election/2020/10/27/ce31f7ba-17b2-11eb-82db-60b15c874105_story.html

⁴ <https://news.berkeley.edu/2020/09/29/stacking-the-deck-how-the-gop-works-to-suppress-minority-voting/>

⁵ <https://wtop.com/fairfax-county/2020/09/trump-supporters-crowd-line-at-fairfax-co-polling-site/>

⁶ <https://law.lis.virginia.gov/vacode/title24.2/chapter6/section24.2-604/>

⁷ <https://www.npr.org/2020/09/30/918483794/from-debate-stage-trump-declines-to-denounce-white-supremacy>

⁸ For an explanation of who the Proud Boys are, please see: <https://www.splcenter.org/fighting-hate/extremist-files/group/proud-boys>

⁹ <https://www.reuters.com/article/us-usa-election-extremists-explainer/explainer-president-trump-asked-the-proud-boys-to-stand-by-who-are-they-idUSKBN26L3O1>

¹⁰ <https://www.washingtonpost.com/politics/2020/05/08/very-fine-people-charlottesville-who-were-they-2/>

¹¹ <https://www.orlandoweekly.com/Blogs/archives/2020/07/20/new-video-shows-tampa-police-attacking-peaceful-protesters-on-july-4>, <https://theintercept.com/2020/07/28/dc-lafayette-square-protesters-congress-hearing/>, <https://time.com/5894316/nypd-assault-arrest-protesters-report/>, <https://www.wbur.org/news/2020/06/04/boston-protests-sunday-peaceful-police>.

COVID 19 and Stoking Hate

Despite the fact that the President himself was ill with the virus, he has given mixed signals and even outright hostile reactions in response to state efforts to manage COVID 19 and public health. He tweeted “Liberate Virginia,” and “Liberate Michigan,” after the governors of both states enacted measures to minimize the impact of the virus by shutting down public facilities. On October 8, the FBI uncovered a plot by white militia groups to kidnap the governor of Michigan¹² and discussions about kidnapping the governor of Virginia.¹³ The governor of Michigan, in a press conference following the news of the plot, stated she holds President Trump responsible for stoking violence with his tweets.¹⁴

Trump’s Failure to Commit to a Peaceful Transition of Power

In shocking public statements, President Trump has indicated on numerous occasions that he will not commit to a peaceful transition of power if he does not win the election.¹⁵ Trump initially made this comment on September 23, 2020, and again on September 25th, even after Republicans in the US Congress affirmed their commitment to the electoral process.¹⁶

Following the death of Supreme Court Justice Ruth Bader Ginsburg on September 18, 2020, the Trump administration rushed through the confirmation of a new justice to the Supreme Court, Amy Coney Barrett, who, when asked during confirmation hearings whether she believes that each president should respect the peaceful transition of power, would not answer the question.¹⁷ If the election results end up before the Supreme Court, as they did during the disputed 2000 election, it is troubling that the Justice nominated by Trump will be deliberating this precise point.

Appeal

In light of these developments, which have resulted in a potentially compromised and frightening situation for citizens voting in the November 3, 2020 election in the United States, we believe it is critical that international election monitors are provided unimpeded access to observe the election. We request that the OSCE send as many monitors as possible to polling places, particularly in predominantly African American and low income neighborhoods, both in urban and rural settings. We also urge the OSCE to carefully observe the days and weeks immediately following the election as President Trump has already cast doubt on his willingness to accept the results. On September 23, President Trump stated, “We will get

¹² <https://www.npr.org/2020/10/08/921655143/militia-members-plotted-to-abduct-michigan-gov-whitmer-fbi-says>

¹³ <https://www.npr.org/2020/10/13/923258271/men-in-alleged-kidnapping-plot-also-considered-targeting-virginia-governor-fbi-s>

¹⁴ <https://www.nbcnews.com/politics/donald-trump/whitmer-blasts-trump-s-appalling-response-her-after-feds-foil-n1243535>

¹⁵ <https://www.nytimes.com/video/us/elections/100000007359070/trump-refuses-to-commit-to-peaceful-transfer-of-power-after-election.html>, <https://www.bbc.com/news/election-us-2020-54274115>

¹⁶ <https://www.nytimes.com/2020/09/24/us/politics/trump-republicans-election-transition.html>

¹⁷ <https://www.businessinsider.com/barrett-wont-say-presidents-should-commit-peaceful-transfer-of-power-2020-10>

rid of the ballots...and there won't be a transfer, frankly, there will be a continuation. The ballots are out of control.”¹⁸ It is critical that the President of the United States and the Republican majority in the US Senate understand that the world is watching, and that they will be held to account for any irregularities or violations in the election.

The US election should be free, fair, and accessible to all voters, in full compliance with the OSCE commitments the US voluntarily agreed to abide by. US federal and state authorities should provide unimpeded access of OSCE election monitors to polling stations across the country, in line with the standard practice other states follow.

Most importantly, the sitting president and his party should commit to a peaceful transition of power, as is enshrined in the US Constitution, where it is written:

“The executive Power shall be vested in a President of the United States of America. He shall hold his Office during the Term of four Years, and, together with the Vice President, chosen for the same Term, be elected...”¹⁹

Signatures:

1. Crude Accountability, USA
2. Centre for the Development of Democracy and Human Rights, Russia
3. Norwegian Helsinki Committee
4. KRF Public Alternative, Ukraine
5. Kazakhstan International Bureau for Human Rights and the Rule of Law
6. Netherlands Helsinki Committee
7. Human Rights Monitoring Institute, Lithuania
8. International Partnership for Human Rights (IPHR), Belgium
9. The Georgian Centre for Rehabilitation of Torture Victims
10. Women of the Don, Russia
11. Swedish OSCE-network
12. Helsinki Citizens' Assembly – Vanadzor, Armenia
13. The Helsinki Foundation for Human Rights, Poland
14. Public Verdict Foundation, Russia
15. The Barys Zvozkau Belarusian Human Rights House, Lithuania
16. DRA Berlin, Germany
17. Center for Civil Liberties, Ukraine
18. Bulgarian Helsinki Committee
19. Bir Duino, Kyrgyzstan
20. Truth Hounds, Ukraine
21. Macedonian Helsinki Committee
22. Association UMDPL, Ukraine

¹⁸ <https://www.youtube.com/watch?v=mDe6goZ73pl>

¹⁹ <https://constitutioncenter.org/interactive-constitution/article/article-ii>

23. Center for Participation and Development, Georgia
24. Libereco Partnership for Human Rights, Switzerland and Germany
25. The Human Rights Center of Azerbaijan
26. Freedom Files, Poland